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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,317	05/19/2000	Michael J. Polcyn	47524-P069D2-10015700	7216

26874 7590 04/01/2011
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EXAMINER

NGUYEN, KHAI N

ART UNIT	PAPER NUMBER
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2614

NOTIFICATION DATE	DELIVERY MODE
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04/01/2011

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL J. POLCYN

Appeal 2010-002445
Application 09/574,317
Technology Center 2600

Before JOSEPH F. RUGGIERO, MARC S. HOFF,
and ELENI MANTIS MERCADER, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the non-final rejection of claims 1-5, 8-12, 15, and 17-19.¹ We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

INVENTION

Appellant's invention is directed to a translator 105 which is an interface between an electronic calendar application and a voice mail or call processing system. *See* Fig. 1; Spec. 10.

Claim 1, reproduced below, is representative of the subject matter on appeal:

1. A system for completing calls from a calling party directed to a particular called party, said system comprising:
 calendar information with respect to said called party stored on a general purpose processor-based system; and
 means for providing select portions of said calendar information to an automatic call routing system, wherein a call routing scheme of said call routing system is modified to route calls as a function of said select portions of said calendar information.

THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

Arbel

US 5,276,731

Jan. 4, 1994

¹ The Examiner indicated claims 6, 7, 13, 14, and 20 as allowable. As such, these claims are not before us for review.

The following rejection is before us for review:

The Examiner rejected claims 1-5, 8-12, 15, and 17-19 under 35 U.S.C. § 102(b) as being anticipated by Arbel.

ISSUES

The pivotal issues are whether Arbel teaches:

1. the limitation of a “calendaring information” as recited in claim 1;
2. the limitation of “storing calendaring information . . . on a general purpose processor-based system” as recited in claim 8;
3. the limitation of “a data file associated with a[n] electronic calendar program” as recited in claims 2, 9, and 15;
4. providing the select portions of the calendaring information to the call routing system automatically as recited in claims 3, 10, and 17;
5. the limitation of “automatic operation . . . upon modification of said calendaring information” as recited in claims 4, 11, and 18; and
6. the limitation of “initiated at a preselected time interval” as recited in claims 5, 12, and 19.

ANALYSIS

A. Analysis with respect to claim 1

Appellant argues (App. Br. 7) that the “predetermined selection criteria” such as Arbel’s “call origination information, call origination information with wildcards, time, day, date, or combination of the above factors” (col. 5, ll. 5-13) do not meet the “calendaring information.”

Appellant explains (App. Br. 7-10) that Arbel’s “predetermined selection criteria” do not comprise a calendar for the called party showing *specific*

events scheduled for a particular day by a user. Appellant asserts (App. Br. 7) that consistent to the customary definition of “calendar,” Appellant’s Specification describes “calendar” as “specific events scheduled for a particular day by a user.”

We do not find Appellant’s arguments persuasive. We agree with the Examiner (Ans. 5-6) that Arbel’s example of transferring calls to a second target (i.e., the operator) at a specific time interval such as 08:00 AM to 04:00 PM on Saturday and Sunday (col. 10, l. 24), in the event “Peter Parker” is absent from a shift, constitutes “calendar information.” This analysis is consistent with Appellant’s own disclosure of how calendar information (i.e., scheduled lunch) affects re-routing of calls (Spec. 12:1-13).

We are also not persuaded by Appellant’s argument (App. Br. 8-10) that Arbel does not teach using “select portions” of the calendar information to re-route calls. Arbel clearly teaches (col. 10, ll. 20-27) that based on “Peter Parker”’s selected calendar information (i.e., specific time and day) the system re-routes calls differently. For example, compare re-routing incoming calls at 08:00 AM to 04:00 PM on weekdays (MTWTF) from the 1st Target extension (x5234) to a 2nd Target (the operator x0) with re-routing incoming calls at 08:00 AM to 04:00 PM on weekends (SS) (i.e., different select portions of the calendar information) from a different 1st Target extension (x5778) to a 2nd Target (the operator x0).

Accordingly, we will affirm the Examiner’s rejection of claim 1.

B. Analysis with respect to claim 8

Appellant argues (App. Br. 10-11) that Arbel does not teach “storing calendar information . . . on a general purpose processor-based system.”

We are not persuaded by Appellant's argument. We agree with the Examiner (Ans. 6) that Arbel's database is used to perform many embodiments as evidenced by the tables in Arbel, and as such the database is a part of a general purpose computer.

Accordingly, we will also affirm the Examiner's rejection of claim 8.

C. Analysis with respect to claims 15 and 17-19

Appellant argues (App. Br. 11-12) that Arbel is silent as to a "data file" associated with an electronic calendar program. We agree with the Examiner (Ans. 7) that any data file of time/day may be used by Arbel. We note that the claim language does not preclude the table of col. 10 (col. 10, ll. 20-27) from being viewed as "a data file" associated with an electronic calendar program (i.e., designated Time/Day info of the table that will be used by the computer/program to re-route calls).

Thus, we will sustain the Examiner's rejection of representative claim 15 and, for the same reasons, the rejections of claims 17-19.

D. Analysis with respect to claims 2 and 9

Appellant repeats (App. Br. 12-13) the same argument as that articulated in section C. of the analysis.

For the same reasons articulated in section C., we will sustain the Examiner's rejections of claims 2 and 9.

E. Analysis with respect to claims 3, 10, and 17

Appellant argues (App. Br. 13-14) that Arbel does not teach the limitation of providing the select portions of the calendaring information to the call routing system automatically.

We are not persuaded by Appellant's argument. Arbel discloses that controller 370 interrogates database 360 based on the call origination

information and the predetermined selection criteria (col. 12, ll. 15-19), which includes date, time, and event information, such as absence from a shift, as discussed above (i.e., calendaring information). Based on the calendaring information, the controller 370 automatically redirects the call (col. 12, ll. 15-19; col. 13, ll. 4-13).

Thus, we will also sustain the Examiner's rejections of claims 3, 10, and 17 for the articulated reasons.

F. Analysis with respect to claims 4, 11, and 18

Appellant argues (App. Br. 14-15) that Arbel does not teach "automatic operation . . . upon modification of said calendaring information." The Examiner explains (App. Br. 7-8) that it is inherent that a user can re-set the re-routing entry (e.g. specific time, day, and appropriate telephone numbers).

We agree with the Examiner's reasoning. It is inherent that Arbel's system is not meant to be used once, but rather used multiple times allowing the user to set the selection criteria according to the user's availability (col. 9, l. 50–col. 10, l. 27). Thus, the user can modify the selection criteria thereby causing the system to automatically re-route the calls based on the modified selection criteria.

Furthermore, Arbel explicitly teaches that the user can *change* (i.e., modify) the predetermined selection criteria (col. 10, ll. 41-51), thereby causing the controller 370 to automatically re-route the calls (col. 13, ll. 4-13) based on the modifications.

Thus, we will also sustain the Examiner's rejections of claims 4, 11, and 18.

G. Analysis with respect to claims 5, 12, and 19

Appellant argues (App. Br. 15-16) that Arbel does not teach “initiated at a preselected time interval.” We are not persuaded by Appellant’s argument.

We agree with the Examiner’s finding (Ans. 8) that Arbel teaches that in response to an incoming call, in a pre-selected time interval such as from 04:00 PM to 12:00 AM on Saturday and Sunday, a database 360 is initiated and automatically provides the appropriate telephone number(s) for re-routing in the event of “Peter Parker”’s absence (col. 10, ll. 11-27; col. 13, ll. 4-13).

Thus, we will also sustain the Examiner’s rejections of claims 5, 12, and 19.

CONCLUSIONS

Arbel teaches:

1. the limitation of a “calendaring information” as recited in claim 1;
2. the limitation of “storing calendaring information . . . on a general purpose processor-based system” as recited in claim 8;
3. the limitation of “a data file associated with a[n] electronic calendar program” as recited in claims 2, 9, and 15;
4. providing the select portions of the calendaring information to the call routing system automatically as recited in claims 3, 10, and 17;
5. the limitation of “automatic operation . . . upon modification of said calendaring information” as recited in claims 4, 11, and 18; and
6. the limitation of “initiated at a preselected time interval” as recited in claims 5, 12, and 19.

ORDER

The decision of the Examiner to reject claims 1-5, 8-12, 15, and 17-19 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

babc